

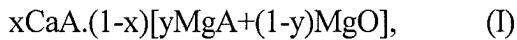
REMARKS

An Office Action was mailed in the present case on January 19, 2010, making a Response due on or before April 19, 2010. One additional independent claim has been added in this amendment. However, since the total number of independent claims remaining does not exceed three, no additional fee is thought to be due at this time. If any additional fee is due for the continued prosecution of this case, please charge the same to Applicant's Deposit Account No. 50-2555 (Whitaker, Chalk, Swindle & Sawyer, LLP).

In the latest Office Action, the Examiner has withdrawn the rejections based upon the prior art, but has rejected Applicant's claims under 35 U.S.C. §112 on the basis that the claim amendments calling for a "powdery calcic compound" were confusing and not supported by the original Specification in that the original Specification described a powdery "composition", i.e., a mixture made up of calcic compound and flow agent.

Independent Claim 1 has now been amended to make clear that the "powdery composition" is made up of two components:

(1) a first component of the powdery composition which is a calcic compound complying with formula I



in which

A is a $=(OH)_2$ or $=CO_3$ group, and

x and y are molar fractions where $0 < x \leq 1$ and $0 \leq y \leq 1$; and

(2) a second component of the powdery composition which is a quantity of a mineral solid flow agent selected from the group consisting of vermiculite, perlite, diatomaceous earth and silica, in the form of

particles having a size greater than 90 μm , said quantity of mineral solid flow agent being greater than zero and less than 5% by weight of the powdery composition; and

wherein the powdery calcic compound which is included as the first component of the powdery composition has a particle size less than 250 μm .

There is clear support for the amended claim language in the original Specification. For example, the term "powdery composition" is used repeatedly in the Specification as at Page 2, line 30 et seq. which states that:

"According to the invention the above problem is resolved by means of a powdery composition (Applicant's emphasis) based on a calco-magnesian compound complying with formula I given above, which contains, in a quantity of less than 5% by weight of the said composition, a mineral solid flowing agent....."

It is clear from page 5, lines 6-11 that the "powdery composition" is made up of the calcic compound and a solid mineral additive:

"In order to improve the dynamic flowing of calco-magnesian compounds, the mineral solid additive was initially chosen...."

In other words, a solid mineral additive is added to the calcic compound to make the combined "powdery composition."

Note page 6, lines 1-2:

"The powdery composition (Applicant's emphasis) based on calco-magnesian compound according to the invention contains one or other or a combination of mineral additives....."

The Examiner also pointed out that Claim 5 used inconsistent terminology. Claim 5 has been amended and rewritten in independent form in this amendment to correct the improper inclusion problem.

Finally, the Examiner also pointed out that there was an inconsistency in Claim 10 if the "compound" size was less than 20 micron since the flow agent was of a size larger than 90 micron. The amendments to Claim 1 should now make clear that it is only the first component of the powdery composition, namely the calcic compound which is characterized as having a size less than 20 micron.

These amendments are thought to overcome the Section 112 issues. If the Examiner has any additional concerns in this regard, please call the undersigned at your earliest convenience to discuss the claim terminology further. Claims 1-10 are now thought to be allowable over the art of record and an early notification of the same would be appreciated.

Respectfully submitted,

Date: March 24, 2010

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